

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.116 and in light of the remarks which follow are respectfully requested.

Claims 4, 5 and 6 have been amended in response to issues raised in the Office Action. Claims 4-6 remain pending in this application.

Claim 4 was finally rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,448,321 to Tokita for the reasons given in paragraph (2) of the Office Action. Reconsideration of this rejection is requested in view of the above amendments and for at least the following reasons.

Respectfully, Applicants disagree with the Examiner's position that the mere mention of styrene/diene block copolymers in a lengthy list of suitable resins and elastomer in columns 5-6 of the reference constitutes an anticipation of claim 4. The working examples and the composition claims of Tokita '321 are directed to monoolefin polymers and there is nothing in the reference which would provide a motivation to select styrene/diene block copolymers as a suitable thermoplastic as opposed to any of the other resins and elastomers listed therein. The listed group of resins and elastomers literally encompass hundreds of possibilities and does not constitute such a small genus that the selection of any one thermoplastic would constitute an anticipation.

However, to expedite prosecution, claim 4 has been currently amended to delete reference to a fatty acid compound as a suitable component (b'). Since fatty acids are a required component in the dispersions of Tokita '321, claim 4 now distinguishes over the compositions disclosed therein.

For at least the above reasons, the §102(e) rejection over Tokita '321 should be withdrawn. Such action is earnestly solicited.

Claim 5 was finally rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,434,208 to Girgis for the reasons given in paragraph (3) of the Final Rejection. Reconsideration and withdrawal of this rejection are requested in view of the above amendments and for at least the reasons which follow.

Claim 5, as currently amended, specifies a nonvolatile film forming component consisting of a styrene/conjugated diene block copolymer and at least one compound (b') as defined therein. On the other hand, the film forming component in the aqueous dispersions disclosed in Girgis '208 does not contain a styrene/diene block copolymer and requires the presence of a phenol/aldehyde condensate. Clearly, the compositions disclosed in this reference do not anticipate the compositions described in claim 5 of the present application.

For at least the above reasons, the §102(b) rejection based on Girgis '208 should be withdrawn. Such action is respectfully requested.

Claim 6 was rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,201,848 to Kotani et al. for reasons set forth in paragraph (4) of the Office Action. Reconsideration and withdrawal of this rejection are respectfully requested in view of the above amendments and for at least the following reasons.

Instant claim 6 is directed to a chipping resistance-imparting aqueous dispersion composition comprising a nonvolatile film forming component dispersed in water, wherein the film forming component consists of a styrene/conjugated diene block copolymer and a nitrogen-containing component as defined therein. The

nitrogen-containing component is present in an amount of 0.1 to 30 parts by wt. per 100 parts by wt. of the block copolymer.

Kotani et al. '848 is directed to a polymerization process for obtaining styrene/diene block copolymers wherein the monomers are polymerized using an initiator consisting of a peroxide and a reducing agent such as an amine. The resultant block copolymer latex contains numerous additives such as emulsifiers, shortstopping agents, antioxidants, etc. The reference does not disclose the amount of residual amine present, if any, in the polymeric latex. Thus, the aqueous dispersions, i.e., latexes of the reference do not comprise a film forming component consisting of the block copolymer and 0.1 to 30 parts of amine per 100 parts copolymer.

For at least the above reasons, the §102(b) rejection over Kotani et al. '848 should be withdrawn. Such action is respectfully requested.

Applicants respectfully submit that the present amendment should be entered since entry thereof will place the application in allowable condition. All the prior art rejections in the Final Rejection are new grounds and the present amendments represent the first opportunity to respond thereto.

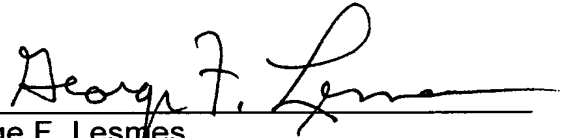
From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience. **

Respectfully submitted,

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Date: March 8, 2004

By:

A handwritten signature in cursive script, appearing to read "George F. Lesmes", written over a horizontal line.

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